V I R G I N I A:

IN THE CIRCUIT COURT FOR HENRICO COUNTY

ALLEN VALENTINO JAFFE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	CL01-1543
	)	
VIRGINIA PHOTOTHERAPY, L.L.C.,	)	
	)	
Defendant.	)	

ORDER

This day came the parties and argued the Demurrer filed by defendant Virginia PhotoTherapy, L.L.C.;

It appearing to the Court that the Motion for Judgment herein fails to reasonably apprise defendant of the true nature of plaintiff's claim as required by Rule 1:4(d) of the Rules of the Supreme Court of Virginia; and

It appearing to the Court that plaintiff has filed another action against defendant arising from the same subject matter as this action (No. CL01-2094), and upon the representation by plaintiff that he wishes to proceed on the Amended Motion for

Judgment dated March 1, 2002 tendered to the Clerk in that action;

It is hereby ORDERED that defendant's Demurrer be sustained and that this action be dismissed, said dismissal to be with prejudice to any claims for breach of contract, breach of warranty or for fraud, but without prejudice to plaintiff's right to proceed on the claim for medical malpractice set forth in the Amended Motion for Judgment in Case No. CL01-2094.

ENTER: [April 9, 2002]

[Judge Catherine Hammond]
JUDGE